(19) (18) (19)

Nos. 85-1377, 85-1378 and 85-1379

Supreme Court, U.S.
FILED
APR 14 1986
JOSEPH F. SPANIOL, JR.
CLERK

IN THE

Supreme Court of the United States

October Term, 1985

CHARLES A. BOWSHER, Comptroller General of the United States,

Appellant,

v.

MIKE SYNAR, Member of Congress, et al.,

Appellees.

UNITED STATES SENATE,

Appellant,

v.

MIKE SYNAR, Member of Congress, et al.,

Appellees.

THOMAS P. O'NEILL, Jr., Speaker of the United States House of Representatives, et al.,

Appellants,

v.

MIKE SYNAR, Member of Congress, et al.,

Appellees.

On Appeal from the United States District Court for the District of Columbia

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MOTION FOR LEAVE TO FILE BRIEF *AMICUS* OUT OF TIME

NEIL H. COGAN
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Southern Methodist University
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Dallas, Texas 75275
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GPP

No. 85-1377, 85-1378, 85-1379

IN THE UPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1985

CHARLES A. BOWSHER, COMPTROLLER GENERAL OF THE UNITED STATES, APPELLANT

v.

MIKE SYNAR, MEMBER OF CONGRESS, ET AL., APPELLEES

UNITED STATES SENATE, APPELLANT

v.

MIKE SYNAR, MEMBER OF CONGRESS, ET AL., APPELLEES

THOMAS P. O'NEILL, JR., SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES, ET AL., APPELLANT

v.

MIKE SYNAR, MEMBER OF CONGRESS, ET.AL., APPELLEES

MOTION FOR LEAVE TO FILE

AMICUS CURIAE

OUT OF TIME

Please note that on April 15, 1986, the undersigned will move for an order granting the American Jewish Congress leave to file its brief *amicus curiae* out-of-time for the reasons stated in the attached affidavit.

Respectfully submitted

Marc D. Stern
American Jewish Congress
15 East 84th Street
New York, New York 10028
(212) 879-4500

Nos. 85-1377, 85-1378, 85-1379

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1985

CHARLES A. BOWSHER, COMPTROLLER GENERAL OF THE UNITED STATES, APPELLANT

v.

MIKE SYNAR, MEMBER OF CONGRESS, ET AL., APPELLEES

UNITED STATES SENATE, APPELLANT

v.

MIKE SYNAR, MEMBER OF CONGRESS, ET AL., APPELLEES

THOMAS P. O'NEILL, JR., SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES, ET AL., APPELLANT

v.

MIKE SYNAR, MEMBER OF CONGRESS, ET AL., APPELLEES

AFFIDAVIT

ss: STATE OF NEW YORK
COUNTY OF NEW YORK

Marc D. Stern, a member of the Bar of this Court, being properly sworn, deposes and says:

1. I submit this affidavit in support of the motion of the American Jewish Congress, ("AJCongress") for leave to file its brief amicus curiae out-of-time in the above-captioned case.

2. When this Court announced on February 24, 1986, 54 U.S.L.W. 3561 (1986), that it would hear the appeals in these cases, the undersigned contacted AJCongress' Washington office and directed it to find out from counsel for Synar what the briefing schedule would be.

3. In reply, I received the attached memorandum, noting only an April 9th filing date. Furthermore, none of the letters consenting to the filing of the brief amicus, nor indeed, the Court's order of February 24th, made a reference to the fact that the agreed upon briefing schedule required service by any specific time on April 9th.

4. In accordance with my usual practice, and in reliance on Rule 28.2 of this Court, I instructed my printer, Bar Press, Inc., to mail the brief to the Court and the parties. But for the unusual provisions of

Court's scheduling order, the brief would have been filed in timely fashion.

Marc D. Stern

SWORN TO BEFORE ME
THIS 11th DAY OF APRIL 1986

NOTARY PUBLIC

[illegible] A. KRAUSS
Notary [illegible] State of New York
[illegible]
Qualified in [illegible] County
[illegible] 19 87

BEST AVAILABLE COPY

Exhibit

Synar

American Jewish Congress
WASHINGTON OFFICE
2027 Massachusetts Avenue, N.W. • Washington, D.C. 20036
(202) 332-4001

MARC A. PEARL
Washington Representative

TRACY SALKOWITZ
Regional Director

March 6, 1986

To: Marc Stern

Fr: Kim Treiger

Re: Gramm-Rudman Supreme Court Case

The District Court decision and the brief filed by the National Treasury Employees Union, are being delivered (overnight mail) to Professor Neil Cogan today. (His street address is, for your information, 3315 Daniel Avenue.) The names of the two lawyers at the NTEU are Lois Williams and Greg O'Gooden.

Additional briefs should be requested from the parties that entered the case, which are as follows:

1. Neil Koslowe-Civil Division, Department of Justice (202) 633-3418
2. Michael Davidson-Senate Legal Counsel
3. William T. Lake-Wilmer, Cutler and Pickering/1666 K Street, NW
4. Alan Morrison (representing Mike Synar)-Public Citizen Litigation Group/200 P Street, Suite 700, NW
5. Steven Ross-General Counsel, US House

Davidson, Lake, and Ross are the "opposition".

Only one other organization has requested to file a petition in the case -- The Pacific Legal Defense Fund, on the side of the opposition.

The petition filing deadline is April 9, and oral argument is set for late April.

kt3:4